

Senate File 353 - Introduced

SENATE FILE 353
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1180)

(COMPANION TO HF 461 BY
MAXWELL)

A BILL FOR

1 An Act relating to drainage and levee districts, by providing
2 for notice of hearing on reports of commissioners and for
3 repairs that require a report by an engineer or soil and
4 water conservation district conservationist.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 468.45, Code 2021, is amended to read as
2 follows:

3 **468.45 Notice of hearing.**

4 1. The board shall fix a time for a hearing upon the report
5 of the commissioners, and the auditor shall cause notice to be
6 served upon each person whose name appears as owner, naming the
7 person, and also upon the person or persons in actual occupancy
8 of any tract of land without naming the person or persons, of
9 the day and hour of such hearing, ~~which.~~

10 2. The notice shall be for the same time and served in the
11 same manner as is provided for the establishment of a levee
12 ~~or drainage or levee~~ district, and including as provided in
13 sections 468.14 through 468.18, and shall state include all of
14 the following:

15 a. A statement of the amount of the assessment of costs and
16 expenses of construction apportioned to each owner upon each
17 forty-acre tract or less, ~~and that.~~ However, the statement is
18 not required to be published as required in section 468.15 if
19 it is posted in the office of the county auditor and on the
20 county's internet site. The county auditor shall provide a
21 copy of the statement upon request.

22 b. A statement that all objections ~~thereto~~ to the report
23 must be in writing and filed with the auditor at or before the
24 time set for ~~such~~ the hearing.

25 Sec. 2. Section 468.126, subsection 1, paragraph d, Code
26 2021, is amended to read as follows:

27 ~~d. If a hearing is required under~~ Notwithstanding paragraph
28 "c" "b", if the estimated cost of the repair exceeds fifty
29 thousand dollars or the adjusted competitive bid threshold,
30 whichever is more, the board shall order an engineer's report
31 or a report from the soil and water conservation district
32 conservationist regarding the matter to which shall be
33 presented at the hearing provided in paragraph "c". The board
34 may waive the report requirement if a prior report on the
35 repair exists and that report is less than ten years old. At

1 the hearing, the board shall hear objections to the feasibility
2 of making the proposed repair.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 This bill amends Code section 468.45 requiring a county
7 board of supervisors, joint boards of supervisors, or board
8 of trustees (board) to provide notice of a hearing regarding
9 a report to classify tracts of land within a drainage or
10 levee district (district) as established or proposed to
11 be established by the board. The notice is required to be
12 delivered to each owner of land within the district and also by
13 publication in a newspaper of general circulation in the county
14 where the district is located. The bill provides that the
15 newspaper publication is not required to include a statement
16 listing the amount of the assessment of costs and expenses of
17 construction of improvements as apportioned to each owner if
18 it is posted in the office of the county auditor and on the
19 county's internet site. The county auditor must provide a copy
20 of the statement upon request.

21 The bill amends Code section 468.126 by providing for
22 required reports on repairs made to a district as ordered by
23 a board managing the district. The bill requires a board
24 to order a report from a civil or drainage engineer or soil
25 and water conservation district conservationist regarding a
26 proposed repair if the repair's estimated cost exceeds \$50,000
27 or the adjusted competitive bid threshold, whichever is more.
28 The report must be presented at the hearing of landowners.